

necessary; the claim simply limits the overall method by calling for the use of a fed mode inducing agent that is effective by administration of less than 500 mg of said agent. The claim is considered quite clear to those skilled in the art, the standard for determining indefiniteness. Use in the claimed method of a fed mode inducing agent that requires administration of more than 500 mg of said agent to induce the fed mode is not literally encompassed by this claim.

If the examiner wishes to maintain this rejection, Applicants respectfully request a more detailed statement of the reasons for the rejection.

Claims 1-6, 32-34, 47-55, 97-98, 105-110, 130 and 143-151 are rejected as obvious over Wong et al.

Applicants note with appreciation that the examiner has stated that any previous rejections not reiterated are deemed withdrawn. The Examiner thus is no longer rejecting claims based on references disclosing administration of docusate, and has now moved on to examine other claimed fed mode inducing agents. In so doing the examiner has now relied on Wong, which discloses compositions containing another claimed fed mode inducing agent, arginine.

Applicants have previously stated that the general types of claimed fed mode inducing agents have been used for various purposes in pharmaceutical compositions. Applicants submit that while Wong et al. disclose administration of a formulation that swells in the stomach and that contains arginine, the reference does not disclose or render obvious compositions containing arginine in an amount that induces the fed mode. The examiner relies on a statement in Wong et al. at col. 2 lines 34-47 that the active agent is in a dosage of 200 mg to support the position that the arginine is contained in the Wong et al. formulation in an amount that induces the fed mode (the specification states that the fed mode inducing amount of arginine is 3-300, preferably 30-250, mg).

Applicants agree that the examiner is correct in that Wong et al disclose the use of 200 mg of the active agent. However, the active agent referred to in this reference is not arginine, but an active pharmacological agent (see, e.g., col. 8 lines 48-53

and col. 18 line 1 - col. 20 line 2). Arginine is not among those active agents but rather is listed among water-soluble excipients that may be included in the composition (col. 6 lines 13-31). There are no quantities given in this reference that can be correlated with arginine as an ingredient in any of the reference compositions.

Applicants submit, therefore, that this reference does not disclose or make obvious a composition that contains arginine in a fed mode inducing amount, or disclose its use as a fed mode inducing agent, as defined in this Application, and respectfully request this rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants submit that all claims pending in this application are in condition for allowance, and request a notice to that effect..

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

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